

Summary Notes		Washington State Department of Health Office of Environmental Health & Safety <i>School Rule Development Committee Meeting</i> <i>July 12, 2005</i>	
Facilitator	Mark Soltman	Note Taker(s):	Nancy Bernard, Bobbi Berry, Meliss Maxfield,
Attendees:	<p>Bill Chaput, CEFPI; Greg Bawden, WSSDA alternate; Shirley Carstens, SNOW alternate; Corinne Story, Westside EHD; John Wolpers, Eastside EHD; Ed Foster, WIFIS; Mark Cooper, parent; Diane McMurry, PTA; Brenda Hood, OSPI; Gary Jefferis, WAMOA; Karen VanDusen, UW; Dave DeLong, Westside EH; Thelma Simon, parent alternate</p> <p>At ESD 101: Julie Awbrey, Eastside EH; Jim Kerns, WASBO alternate; June Sine, WSSDA</p> <p>Staff: Maryanne Guichard, Ned Therien, Bobbi Berry, Mark Soltman, Meliss Maxfield, Nancy Bernard, Tim Hardin</p>		
Absentees:	Mary Sue Linville, WASBO; Janice Doyle, SNOW; John Richards, OSPI alternate; Mike Gawley, WEA		
Guests:	Mariah Mason, Mr. Simon, Susan Titus		
AGENDA ITEM		DISCUSSION	
Welcome & Introductions Desired Outcomes: Review agenda & events of the day		-Mark Cooper expressed concerns with the summary notes from June 28 th . He felt that the statement on page 4 concerning the scope of authority of DOH in schools was not accurate and that because WAC 246-366-060 - Plumbing water supply and fixture, is enforceable, that DOH does have authority under 246-366 in the schools. The difference is that 246-366 references other codes (e.g.: water, food) that DOH may have enforcement authority with, but that 246-366 itself is only enforceable by the LHJs.	
		Mark Soltman introduced the Decision Agenda prepared for today's work from the previous discussions.	
AGENDA ITEM		DISCUSSION	
Rule Implementation & Compliance		-DOH staff put the proposals together in today's Decision Agenda from what was said by the committee members in the previous meetings. -Discussion and changes were made regarding the problem statement, first page of the outstanding issues decision agenda, as indicated below. -DOH works with agencies to gather information for rule writing and following thru with those rules. If local jurisdictions are not complying then DOH and SBOH have the authority and responsibility to work on the issue -inconsistencies with the local jurisdictions; some believe that the rule needs to include language giving DOH more authority	

Topic	Rule Implementation & Compliance
Problem Statement	<ul style="list-style-type: none"> - C-Historically and currently DOH does not have jurisdiction in schools under WAC 246-366. DOH's role is training and consultation in school EH&S. <u>Implementation and enforcement</u> is the LHJ's responsibility. LHJ EH programs generally are supported by fees and grants, not taxes. Therefore, for the most part only those LHJs where their local BOH has authorized a fee for school inspections perform them. All LHJs conduct plan reviews and pre-opening inspections under WAC 246-366, but capacity for this varies. Some do very few and don't feel that they can keep skills up. In some areas, LHJs do not receive the school plans in a timely manor. All LHJs do plan reviews and pre-opening inspections, and food service inspections. These are supported by fees. They also respond to complaints relevant to EH&S. - There is no <u>centralized, statewide formal</u> reporting (data collection) mechanism for injuries or accidents relevant to school EH&S, & DOH has no authority to investigate incidents. This handicaps the development of training & guidance. - WAC 246-366 states that the regulations are for K-12 schools. Many schools now include a preschool with their elementary programs. It has been questionable whether the regulations can be enforced in the preschool part. Currently in Washington State, unless a preschool is part of Head Start, ECEAP (Early Childhood Education and Assistance Program), or a daycare, it is not covered by environmental health and safety regulations in Washington State. - There is no requirement that schools include a health room in their design. <u>Nurses have identified this as a problem in schools.</u>
References / Research	<p>Local Health Jurisdiction School Environmental Health Program Survey, January 2004</p> <p>Washington State Board of Health School Environmental Health Rule Review, July 9, 2003</p>
AGENDA ITEM	DISCUSSION
<p>Proposal A: Clear statutory authority and a delineated pathway for compliance with requirements, from cooperative efforts to enforcement steps, <u>through working with appropriate agencies.</u> with an <u>The process shall include a well defined appeals and complaint procedures.</u> is to be established.</p>	<ul style="list-style-type: none"> -OSPI supports clarification of regulation. Not fines, unless directed at improvements. -Monetary assessments (if there are some) need to be driven to improvements. -suggestion that the DOH consult with L&I on their history of fining school districts and whether it is an effective mechanism. Why do asbestos issues keep occurring? -Caution on using L&I as a remodel – not exemplary, great difficulty. -doesn't this really already exist? It just needs to be spelled out. -Problem with the word “statutory” because that would refer to the Legislature look at the RCW -A is a mix of Rule and Guidance, since it's direction, it doesn't really fit. - Replace terms “rule” & “guidance” and replace with “intent.” General agreement, general direction to the DOH.

	-include working with other agencies -OSPI already concurs with this. They already intend to use this process in this area. -Not everything that is an EH&S complaint goes to DOH, but this statement should only refer to what DOH has responsibility for. We can't reform other agencies. -language modified as indicated				
Vote	Proposal A:	# Voting	GRN	YEL	RED
	Intent	14	14	0	0
AGENDA ITEM	DISCUSSION				
<p>Proposal B:</p> <p>DOH authority to collect injury and accident data and investigate events relevant to school EH&S is to be established to access the effectiveness of rules and guidance and determine unmet needs in support of school environmental health and safety.</p> <p><u>B1: DOH be given authority to work with LHJs to investigate school related EH&S incidents.</u></p> <p><u>B2: DOH be given authority to collect and analyze student injury and incident data derived from a statewide reporting system developed through a cooperative effort of appropriate agencies.</u></p>	<p>-how is this going to be done? Insurance agencies will not support. Additional burden for schools.</p> <p>-laws prohibit giving out student information. Suggest we vote only on intent. Instead of DOH, have DOH work with OSPI on how to collect.</p> <p>-The statement says we're giving authority to DOH because they don't have the authority. There are legal barriers, but nothing can be started without authority.</p> <p>-if you want accurate information, you have to establish it accurately.</p> <p>-We have to start somewhere. This is a different type of data than the insurance data – that's not what we need. But there is a need for the data. It can honor the various restrictions.</p> <p>-belief that if DOH tries to do this alone, it won't work.</p> <p>-Utah collects general injury information. No identifiers. Currently OSPI has a district assessment tool that small school districts (class 2) use to collect data. Trying to get Class 1's to voluntary collect data. There is currently no authority to collect data.</p> <p>-The lack of money is one of the fetters. Identifying the need will help us to go to the Legislature with a documented need.</p> <p>Break</p> <p>Redrafted B</p> <p>- "Injury & exposure," not just injury. There is not always an "injury."</p> <p>-authority to investigate appropriate incidents</p> <p>-EH&S incidents</p> <p>-should it just be students?</p> <p>-DOH will work with AG, other agencies, etc to determine where these items need to be resolved and whether there should be new statutory authority.</p> <p>-This should include students & adults (staff & visitors)</p> <p>-for the data base, should just be students</p> <p>-belief that we agreed at the first meeting that we were dealing only with students. Staff is L&I's authority.</p> <p>-we are trying to get a sense of how broad the problem in the state is –</p> <p>- L&I cooperates with DOH, but are reluctant to go into schools, rare that a school will exceed a PEL. They do some consulting when asked, but it's not a priority, H&S workplace – on complaints. DOH is working to get lower levels of contaminants that L&I doesn't begin to approach.</p> <p>-belief that if we're going to start to include staff, we have to go back a</p>				

	<p>review everything.</p> <ul style="list-style-type: none"> -many adults are in the schools that aren't staff, smaller children, etc. The school houses people from all ages. -Having trouble with the evolution of this. Believes that you're asking for people to make determinations that they're not trained to do. Would like to keep this simple, muddies it to mix exposure and injury.. -would like to separate injury from exposure – 2 different issues -Concern with expanding it to staff in this particular rule. Collecting data should be restricted to students. Investigation should be related to students. L&I investigates staff. -Difficulty with collecting data related to environmental exposure. Once the complaint is resolved, there is no need to keep the data. -belief that the collection of solutions is also important. -who's going to define environmental exposures? There are no set working parameters. <p>Further discussion on whether it should just be injury or injury & exposure.</p> <ul style="list-style-type: none"> -Split the B into 1 & 2 for vote, as shown on the side. 				
Vote	Proposal B	# Voting	GRN	YEL	RED
	Intent B1	14	10	3	1
	Intent B2	14	13	1	0
AGENDA ITEM	DISCUSSION				
<p>Proposal C:</p> <p>The role of DOH in overseeing LHI implementation of the SBOH environmental health & safety rules for schools is to be established. with delineated steps to be taken in response to ineffective or incomplete implementation by local jurisdictions, and a response strategy to address local or regional capacity deficiencies.</p>	<ul style="list-style-type: none"> -concern with value statements on ineffective or incomplete. Suggest period after established. -this is a broader issue than just this rule. -combine C, D, & E: broad DOH oversight authority. DOH work across the state to train LHJs. -since we've moved away from rule/guidance to intent, there needs to be a clearly delineated framework. Need to clarify that there are problems with incomplete or ineffective enforcement. -wasn't this already addressed in A? -thinks they're different. C is for areas where rules are not being enforced at all. -if the committee voted strong support for this, it would be reported to the SBOH as an issue for them to address. -Concern with development of a hierarchical relationship between LHJ and DOH. Legal concerns. -concurrence that this is a bigger issue to refer to the SBOH. -concern with LHJs establishing a school program w/o training or knowledge before they go into the schools. -there should be performance audits of the implementation of the rules. <p>We are no longer going to vote on Rule/Guidance. Not applicable. Will indicate level of support for the issue.</p>				
Vote	Proposal C	# Voting	GRN	YEL	RED
	Intent	14	13	1	0
Lunch- 12:00 - 12:42					

AGENDA ITEM	DISCUSSION				
<p>Proposal D</p> <p>Annual school EH&S inspections are to be required, except where LHJs have an established school program with an alternative schedule that accomplished the goals of the SBOH rules for environmental health and safety in schools.</p>	<p>-heard in our past discussion was that the inspectors need to be trained. Why aren't there programs in the LHJs where they aren't being done? To require inspections w/o training – issues.</p> <p>-C addressed the issue of DOH training of inspectors.</p> <p>-as opposed to initiating a new program with certified inspectors, suggest a qualifier that recognizes that any broadly qualified inspector. Some people may be recognized as having the expertise w/o the DOH training.</p> <p>-how the LHJ sets the program is not the issue here, it's the definition of "periodic." Generally the LHJ can not delegate their authority. This is how often the public expects PH inspections. Between DOH & locals as to how that occurs.</p> <p>-this is really about "periodic" not having any meaning. There needs to be definition.</p> <p>-supports this concept as a base line</p> <p>-there needs to be consistency and this supports that.</p> <p>-LBOHs look at frequency requirements to determine capacity and fee needs.</p> <p>-Some things don't require annual inspections. Risk needs to be a factor. The wording as it currently is allows this flexibility. Concurrence from other LHJs present.</p>				
Vote	Proposal D		# Voting	GRN	YEL
	Intent		14	14	0
AGENDA ITEM	DISCUSSION				
<p>Proposal E</p> <p>Environmental health and safety requirements for schools are to be applied to all school-aged children being served by public or private school facilities, including school programs provided in non-traditional settings.</p>	<p>-do we need to distinguish between this and home schooling?</p> <p>-problem with babies that come to school and older student's. School-to-work, running start: schools maintain liability, but not authority over facility; except schools maintain ability to pull contract.</p> <p>-current says k-12 instruction, doesn't include college.</p> <p>-craft to exclude higher ed. Preschools in the k-12 environment. The rules are applicable to the school facilities.</p> <p>-DOH we will clarify the definition in the rule.</p> <p>-non-traditional settings, if you apply the exact same rules – where are the kids going to go if you shut them down? If they're only going to be there for an hour or two, it may not be appropriate.</p> <p>-example of an alternate school in an old motel, different environment, rules don't fit.</p> <p>-there is a waiver process in the code</p> <p>-DOH will look at definitions and identifications as rule is written</p>				
ACTION	<p>Group decided not to vote on issue, DOH will work on definitions and scope.</p>				

AGENDA ITEM		DISCUSSION				
Proposal F Specifically designed and sited health rooms are to be required in schools for new construction and encouraged in major facility remodeling projects. Health rooms are recommended and where provided, should be designed to isolate student(s). Building consideration should include such things as separate ventilation; visual supervision; confidentiality; cleanable, disinfectable surfaces; proximity to restrooms; and resting facilities.		-Concern with requiring health rooms. While considered a good idea, some buildings may not be able to accommodate them. SRDC redrafted proposal.				
Vote		Proposal F	# Voting	GRN	YEL	RED
		Intent	14	14	0	0
Topic	DOH Rule Implementation Activities					
Problem Statement	<p>Issues have been raised throughout the Rule Revision Process that identify that the regulations have not been the major problem in poor school EH&S. the L lack of implementation and enforcement, poor supervision, inadequate and untimely response to problems, lack of coordination between agencies, and a lack of resources and training have all contributed to indoor air quality problems, safety incidents, and other school EH&S problems.</p> <p>WAC 180-27-080 requires and pays for value engineering (VE) studies, constructability reviews (CR), and building commissioning on state match projects exceeding 50,000 ft² (optional for 15,000-50,000). One of the objectives for the SBOH in the rule revision is to make sure that conflicts are avoided with other agency rules, but to also make sure the minimum environmental health and safety standards are covered. The issue has been raised as to whether there needs to be commissioning required on smaller projects, and on non-state match projects, to ensure school EH&S. VE is an assessment to help control costs and maximize value. CR is to determine that the building can be built as designed. Functional performance standards are proposed as a way to cover all 3 areas.</p>					
Reference / Research	WAC 180-27-080 RCW 43.20.050, 43.20.130 Administrative Recommendations: Investigation of School Construction and Electrical Licensing Activities, Attorney General of Washington, 9/25/96. http://www.atg.wa.gov/releases/rel_construction_092996.html					

AGENDA ITEM	DISCUSSION
<p>Proposal A: The SRDC requests that DOH <u>work collaboratively with other entities include in their rule implementation plan on</u> activities and efforts that:</p> <ul style="list-style-type: none"> ☑ Support expanding the scope of building system commissioning in new and remodeled school facilities, to include the full range of systems in school facilities (such as HVAC, electrical, plumbing, etc.) ☑ Lead to the development and application of standard commissioning test methods and desired outcomes. ☑ Incorporate past experiences with school facility design, construction, and operation in the development of informational materials, guidance, and training curriculum for persons associated with the development of school facilities. ☑ Establish and build on links with various entities to facilitate the delivery of coordinated training for school and LHJ personnel with responsibilities for environmental health & safety in schools. (Entities such as WASBO, EH Dirs, WAMOA, ESDs, DOH, etc.) ☑ Promote regional cooperation and delivery of services for design development & review, construction management, and commissioning. ☑ Seek to increase local and regional capacity to meet the needs for school facility plan review and construction oversight in those areas of Washington where such capacity is lacking. 	<p>-supports all of the problems. Problem with the problem statement. Believes that the first statement is inaccurate, that the lack of regulations has been an issue.</p> <p>-wants the DOH work in partnership with OSPI in these areas.</p> <p>-In concept OSPI supports these areas, but believes that they, the new SBOH, SFAB, WAMOA, etc need to be involved. Belief that it steps outside of DOH authority into OSPI authority. Collaborative process that needs to be established. That the implementation plan be to have the collaborative partnership. Helpful that it's written down.</p> <p>-agreement</p> <p>-4th point: DOH should take the lead on LHJ training.</p> <p>-WAMOA has already begun this conversation with OSPI with the goal of relief & assistance for small school districts.</p>

ACTION	Problem statement and proposal statement redrafted as indicated.				
	Proposal A	# Voting	GRN	YEL	RED
	Intent	14	14	0	0
AGENDA ITEM	DISCUSSION				
Wrap Up Activities	<ul style="list-style-type: none"> - The group was asked to prioritize the 10 major school EH&S issues related to the rule development. An exercise was handed out that helped in this process. - The group was asked to fill out an evaluation form on the SRDC process. - Mark and Maryanne thanked the group for their support, involvement, commitment, and hard work since November. They are pleased with the results of the SRDC work and believe that it will provide a good foundation as the rule writing begins. - They handed out certificates and personally thanked each person. - Each participant was given a DOH water bottle in the color of their choice - green, yellow, or red. - Absent or K20 participants will be mailed their certificates and water bottles. They were asked to email or fax their prioritizations and evaluations. 				

HANDOUTS	Action
Advisory Prioritization of Proposals from the SRDC (handout) Evaluation Form (handout) Certificate of Appreciation Water Bottle for Appreciation	Adjourn SRDC Meeting 3 PM